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SECTION 1.0 INTRODUCTION

1.1 PURPOSE AND NEED

1.1.1 Intent of this Environmental Impact Statement (EIS)

The Bureau of Land Management (BLM) and four cooperating agencies — U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), U.S. Coast Guard (USCG), and the State of Alaska — have prepared the Alpine Satellite Development Plan (ASDP) EIS to examine ConocoPhillips Alaska, Inc.'s (CPAI, the applicant's) proposed action to develop five satellite oil accumulations in the northeastern National Petroleum Reserve-Alaska (NPR-A) and the Colville River Delta adjacent to the eastern border of the NPR-A (Figure 1.1.1-1) and to analyze potential mitigation measures to apply to future oil and gas proposals in the ASDP Area. This EIS examines the potential impacts of development and evaluates a range of alternatives, consistent with applicable law, by which to accomplish the purpose and need of the proposed action while mitigating adverse impacts.

This EIS analyzes a proposal by CPAI to develop five satellite drilling pads — two in the Colville River Delta and three in the NPR-A. The pads are termed CD-3, CD-4, CD-5, CD-6, and CD-7. In the Colville River Delta, CD-3 is on State of Alaska land and CD-4 is on land owned by Kuukpik Corporation, the Native corporation created under the authority of the Alaska Native Claims Settlement Act (ANCSA) for the village of Nuiqsut. CD-5 is on land conveyed to Kuukpik within the NPR-A. CD-6 and CD-7 are on lands administered by the BLM in the NPR-A (Figure 1.1.1-2). CPAI proposes to place 20 to 30 wells on each pad and to transport the unprocessed, three-phase (oil, gas, and water) drilling product to the existing Alpine Processing Facility (APF) at CD-1 for processing. Processed oil would be placed in the existing pipeline system for transport to the Trans-Alaska Pipeline System (TAPS). The proposed action is more fully described in Section 2.

Also included in this EIS is an analysis of full-field development (FFD) for the approximately 890,000-acre ASDP Area (Plan Area) (Figure 1.1.1-1) in order to identify potential mitigation measures for future development in the area. The Plan Area includes the Colville River Delta west of its easternmost channel and extends west to the vicinity of the mouth of the Kogru River on the west side of Harrison Bay and south from the Kogru River mouth for approximately 45 miles. The BLM considers it highly likely that development besides that currently proposed by CPAI will occur in the Plan Area over the next 10 to 20 years. As a result, this EIS addresses FFD in the Plan Area consistent with sound management principles. In this manner, the EIS directly evaluates and analyzes alternative development options for pads, pipelines, and other facilities in addition to those proposed by CPAI for oil development. While gas production through sales is not analyzed and is not part of CPAI's proposal, the effects of gas production as part of the oil stream and gas handling are considered. It is important to note that the pad locations described in Section 4 of this EIS for the FFD are hypothetical and do not reflect any actual proposals, applications, or project plans. The scenarios presented for FFD in Section 4 are presented for purposes of analysis and represent hypothetical potential future development.

The BLM decided to evaluate FFD in addition to CPAI's proposed satellite development plan to provide the public with an analysis of possible future projects. This approach gives the public and decision-makers a comprehensive overview of proposed and potential future development in the Plan Area.

This EIS provides National Environmental Policy Act (NEPA) analysis of CPAI's proposal for five new production well pads and their associated transportation systems. Decisions on future proposals for developments in the Plan Area would be addressed through an environmental review process tiered from this EIS. Tiered review and decision-making could occur through one of the following procedures:

- A written analysis and determination of the sufficiency of this EIS to address the new proposal (for the BLM, this would be done with a Determination of NEPA Adequacy)
- Environmental assessments for cases in which future proposals require further site-specific analysis but the impacts are not significant
- Supplemental EISs if there are significant changes in the proposed development or for cases in which significant impacts could result that were not anticipated in the current EIS

1.1.2 Purpose and Need for CPAI's Proposed Action

The purpose of CPAI's Proposed Action is to allow CPAI to develop five satellite oil accumulations in the Plan Area. The need for oil production from the Plan Area from the perspective of CPAI is to generate financial return on its investment in oil and gas leases. From a broader perspective, the need for oil production from the Plan Area is to help satisfy the demand for a continued supply of domestic oil, to decrease dependence of the United States on foreign oil imports, and to contribute to employment and economic vitality in the region and nation.

Oil companies, but principally CPAI, have invested more than \$100 million in leases in the Plan Area and have spent tens of millions of dollars more in seismic exploration, exploratory drilling, and scientific and engineering studies preparatory to development. Also, additional oil production on Alaska's North Slope extends the useful life of the TAPS, in which the oil industry has invested many billions of dollars.

Federal and state governments are obligated to allow development of valid federal, state, and private oil and gas leases in the Plan Area consistent with applicable law and regulation. The United States currently imports about half its oil supply, and the U.S. Department of Energy (DOE) projects that the proportion of the nation's oil coming from overseas will continue to climb, approaching 68 percent by 2025. The DOE also reports that domestic oil and gas production in the United States overall is declining (DOE 2003). The DOE Office of Transportation Technologies reports that the trade deficit caused by oil imports represents a major transfer of wealth and jobs from the United States to foreign oil suppliers, stifling domestic economic growth (DOE n.d.).

Domestic oil production contributes directly to the health of the nation's economy and to federal, state, and local government revenues. Oil production in Alaska is especially significant to the State of Alaska, since it generates revenue to the state from jobs, investment, and royalties. Rentals and royalties from oil and gas leases contribute to the federal and state treasuries, as do taxes paid by oil companies and their workers.

The portion of the proposed action situated in the NPR-A helps satisfy the purpose of the Naval Petroleum Reserves Production Act of 1976 (NPRPA) to explore and develop oil and gas resources in

the NPR-A. Specifically, the NPRPA, as amended, encourages oil and gas leasing in the NPR-A while requiring protection of important surface resources and uses. Development of the five satellite oil accumulations with appropriate environmental protection measures is consistent with the president's directive to his National Energy Policy Development Group to "promote dependable, affordable and environmentally sound production of energy for the future" (National Energy Policy Development Group 2001). Furthermore, President Bush issued Executive Order 13212 on May 18, 2001, calling on federal agencies to give priority to energy-related projects: "For energy-related projects, agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining safety, public health, and environmental protections."

1.1.3 Lead and Cooperating Agency Authorities

This EIS is intended to fulfill the needs and obligations set forth by NEPA and other relevant laws, regulations, and policies of the BLM (lead agency) and of the USACE, USEPA, USCG, and the State of Alaska (cooperating agencies).

As the federal manager of the NPR-A, the BLM is responsible for land-use authorizations on federal land in the NPR-A. Upon completion of the EIS process, BLM will make decisions regarding CPAI's proposal on lands it manages; these encompass CD-6 and CD-7 and facilities associated with them on lands eastward to the limit of federal lands. The authority for management of the land and resource development options presented in the EIS comes from several statutes, including NEPA, the Federal Land Policy and Management Act (FLPMA), the NPRPA, as amended, and Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

- NEPA sets out policy and provides the means by which the federal government, including both the BLM and the federal cooperating agencies, examines major federal actions that may have significant effects on the environment, such as the authorization of oil and gas development contemplated in this EIS (42 USC § 4231 et seq.).
- Under the FLPMA, the Secretary of the Interior has broad authority to regulate the use, occupancy, and development of public lands and to take whatever action is required to prevent unnecessary or undue degradation of public lands (43 USC § 1732). In accordance with the FLPMA, the BLM manages its Alaska lands and their uses to ensure healthy and productive ecosystems.
- The NPRPA provides the Secretary of the Interior with the authority to conduct oil and gas leasing and development in the NPR-A (42 USC § 6508); protect "environmental, fish and wildlife, and historical or scenic values" in the reserve [42 USC § 6503(b)]; and provide "conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the NPR-A" [42 USC § 6508(1)].
- The NPRPA also directs that development in designated Special Areas "shall be conducted in a manner which will assure the maximum protection of such surface resources to the extent consistent with the requirements of [the] NPRPA for the exploration of the reserve" [42 USC §§ 6504(b), 6508]. There are portions of two such Special Areas in the Plan Area — the Teshekpuk Lake Special Area (TLSA) and the Colville River Special Area (CRSA) (Figure 1.1.1-3).
- Title VIII of ANILCA establishes procedures for federal agencies to evaluate impacts on subsistence uses and needs and means to reduce or eliminate such impacts (16 USC § 3120).

The USACE has the authority to issue or deny permits for placement of dredge or fill material in the waters of the United States, including wetlands (which incorporate most, if not all, of the Plan Area) and for structures in, on, over, or under navigable waters of the United States. Consequently, the USACE's authority extends, and its decisions following completion of the EIS will extend, to CPAI's entire proposal, regardless of who owns the land.

- Under Section 404 of the Clean Water Act (CWA) (33 USC § 1251 et seq.), the USACE regulates placement of dredge and fill material in waters of the United States, including wetlands.
- Under Section 10 of the Rivers and Harbors Act (33 USC 403), the USACE has regulatory authority for work performed in, on, over, or under navigable waters of the United States.

The USEPA authority to regulate oil and gas development is contained in the CWA (33 USC § 1251 et seq.), Clean Air Act (CAA) (42 USC § 7401 et seq.), and the Safe Drinking Water Act (SDWA) (42 USC § 300). Like the authority of the USACE, EPA's authority extends, and its decisions following completion of the EIS will extend, to CPAI's entire proposal, regardless of who owns the land.

- Under Section 311 of the CWA (33 USC §1251 et seq.), the USEPA requires a spill prevention, control, and countermeasure (SPCC) plan to be developed by owners or operators of any facility storing a total capacity of 1,320 gallons of fuel in aboveground storage tanks (AST). The SPCC plan describes the location of the fuel storage tank and methods of spill prevention to be implemented at the proposed facility. The SPCC plan must be developed and implemented before oil production begins (40 CFR 112).
- Under Section 402 of the CWA (33 USC §1251 et seq.), the USEPA issues permits for the discharge of pollutants from a point source into waters of the United States for facilities, including oil and gas facilities. Point-source discharges that require a National Pollutant Discharge Elimination System (NPDES) permit include, but are not limited to, sanitary and domestic wastewater, gravel pit and construction dewatering, and hydrostatic test water, storm water discharges, etc. (40 CFR 122).
- Under Section 404 of the CWA (33 USC §1251 et seq.), the USEPA reviews and comments on USACE Section 404 permit applications for compliance with the Section 404(b)(1) guidelines and other statutes and authorities within its jurisdiction (40 CFR 230).
- Under the Safe Drinking Water Act (SDWA) (42 USC §300), the EPA's responsibilities include the management of the Underground Injection Control (UIC) program and directly implements Class I and Class V injection wells in Alaska for injection of non-hazardous and hazardous waste through a permitting process for fluids that are recovered from down hole, as well as municipal waste, stormwater, and other fluids that did not come up from down hole. (40 CFR 124A, 40 CFR 144, 40 CFR 146). EPA oversees the Class II program delegated to the State of Alaska that is managed by Alaska Oil and Gas Conservation Commission which include Class II enhanced oil recovery, storage, and disposal wells that may receive non-hazardous produced fluids originating from downhole, including muds and cuttings (40 CFR 147).
- Under Sections 165 and 502 of the CAA (42 USC §7401 et seq.), the State of Alaska is delegated authority to issue air quality permits for facilities operating within state jurisdiction for the Title V operating permit (40 CFR 70) and the Prevention of Significant Deterioration (PSD) permit (40 CFR 52.21) to address air pollution emissions. The USEPA maintains oversight authority of the state's program.

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- Under Section 309 of the CAA (42 USC §7401 et seq.), the USEPA has the responsibility to review and comment on, in writing, the EIS for compliance with the Council on Environmental Quality (CEQ) *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 CFR Parts 1500–1508).

The USCG has authority under the Rivers and Harbors Act of 1899 to approve construction of any bridge across navigable waters to ensure safe navigability of waterways. The USCG exercises its authority to prevent unauthorized obstruction or alteration of the nation's navigable waters (33 USC 403). Within the Plan Area, USCG decisions will address any potential obstruction, including bridges, of the Colville River or its major distributaries.

The State of Alaska manages development on its land in the Colville River Delta on which one of CPAI's proposed satellites (CD-3) is located. The state has subsurface interest in both satellite locations in the Colville River Delta (CD-3 and CD-4). The state is responsible for regulating activities and developments on federal, state, and private lands that may affect air or water quality or resident species of fish and wildlife. The state also is responsible for providing subsistence use of fish and wildlife and to ensure consistency of activities and development with the Alaska Coastal Management Program (ACMP). In addition, the EIS studies development options that will help the state meet its responsibilities under various state statutes including Alaska Statutes (AS) Title 16 (Fish and Game), Title 31 (Oil and Gas), Title 38 (Public Land), Title 41 (Public Resources), and Title 46 (Water, Air, Energy, and Environmental Conservation). Consequently, following completion of the EIS, the State will make some decisions on the entire CPAI proposal, while it will make other decisions that rest with the land owner only on lands it manages at and near CD-3.

1.1.4 Other Agency Authorities

Several other federal, state, and local government agencies have authorities that apply to the proposed action and alternatives. These agencies include the U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) Fisheries (formerly National Marine Fisheries Service (NMFS)), and the North Slope Borough (NSB). Table 1.1.4-1 summarizes authorities that apply to the proposed action and alternatives. A more detailed description of the authorities is presented in Appendix C.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES

FEDERAL		
LEGAL AUTHORITY	AUTHORIZATIONS	REGULATORY INTENT
Federal Laws and Executive Orders Common To Multiple Federal Agencies		
National Environmental Policy Act (NEPA) 42 USC 4321	The NEPA of 1970 requires all federal agencies to prepare a detailed statement of the environmental effects of proposed federal actions that may significantly affect the quality of the human environment.	Protect the environment through procedures that ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.
Alaska National Interest Lands Conservation Act (ANILCA) 16 USC 410hh-3233 43 USC 1602-1784	Section 810: Federal agencies must evaluate and provide a proposed finding of effects of proposed development on subsistence.	Provide the opportunity for rural Alaska residents to continue to engage in a subsistence way of life.
National Historic Preservation Act (NHPA) of 1966 16 USC 470 et seq.	The USACE is responsible for ensuring protection of historical, cultural, and archaeological sites and resources in the USACE's permit areas.	To ensure consideration of the values of historic properties in carrying out federal activities and to make efforts to identify and mitigate impacts to significant historic properties.
Native American Graves Protection and Repatriation Act 25 USC 3001	Discovery or disturbance of any human remains in project area must be accounted for and protected and/or properly returned to the tribe of origin.	Protect Native American sacred and grave sites.
The American Indian Religious Freedom Act of 1978 42 USC 1996	Federal agencies must consider protection of sites considered sacred to Native Americans.	Reaffirm Native Americans' right to religious freedom, "including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites."
Executive Order 11988 – Floodplain Management	Federal agencies must establish procedures to ensure that the potential effects of flood hazards and floodplain management are considered for actions undertaken in a floodplain. Impacts to floodplains are to be avoided to the extent practicable.	Protect floodplains and manage risk from flooding.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

FEDERAL		
LEGAL AUTHORITY	AUTHORIZATIONS	REGULATORY INTENT
Executive Order 11990 – Protection of Wetlands	Federal agencies must avoid short- and long-term adverse impacts to wetlands whenever a practicable alternative exists.	Protect wetlands.
Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	Federal agencies must develop Environmental Justice (EJ) strategies to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations (including Native American tribes).	Protect the health and environment of minority and low-income populations.
Executive Order 13007 – Indian Sacred Sites	Federal agencies must accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.	Protect and accommodate access to Native American sites.
Executive Order 13112 – Invasive Species	Federal agencies are to prevent the introduction of invasive species, control those that are introduced, and provide for the restoration of native species.	Prevent the introduction of invasive species and provide for their control.
Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments	Federal agencies must establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, strengthen the government-to-government relationships with Indian tribes, and reduce the imposition of unfunded mandates upon Indian tribes.	Encourage communication and active cooperation between the federal government and Native American tribal governments.
Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds	Federal agencies must avoid or minimize the impacts of their actions on migratory birds and take active steps to protect birds and their habitat.	Protect migratory bird habitat and populations.
Executive Order 13212 – Actions to Expedite Energy-Related Projects	Federal agencies must take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy.	Increase production and transmission of energy in a safe and environmentally sound manner.
Bureau of Land Management (BLM)		
The Alaska Native Claims Settlement Act (ANCSA) 14 USC 33 1601-1629g	The BLM is responsible for transfer of federal lands to Native corporations and villages.	The ANCSA established Alaska Native land entitlements.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

FEDERAL		
LEGAL AUTHORITY	AUTHORIZATIONS	REGULATORY INTENT
Federal Land Policy and Management Act (FLPMA) 43 USC § 1732	Gives the BLM the authority to grant permits and regulate the use, occupancy, and development of the public lands and to take whatever action is required to prevent unnecessary or undue degradation of the public lands.	Provide for multiple use of public lands while protecting them from unnecessary or undue degradation.
Naval Petroleum Reserves Production Act 42 USC § 6500	Provides the secretary of the interior with the authority to lease and approve oil and gas development in the NPR-A while protecting the reserve's "environmental, fish and wildlife, and historical or scenic values."	Manage NPR-A "in a manner consistent with the total energy needs of the Nation, and for other purposes."
U.S. Army Corps of Engineers (USACE)		
Clean Water Act (CWA) of 1972 33 USC 1344	The USACE issues a Section 404 permit for discharge of dredged and fill material into U.S. waters, including wetlands.	Minimize impacts to waters of the United States (including wetlands) by regulating the discharge of dredged and/or fill material.
Rivers and Harbors Act of 1899 33 USC 403	The USACE issues a Section 10 permit for structures or work in, or affecting, navigable waters of the U.S.	To prevent unauthorized obstruction or alteration (dam, dike, or other structure) of any navigable waters of the United States.
U.S. Environmental Protection Agency (USEPA)		
Clean Air Act of 1967, Amended 1977 (CAA) 42 USC 7401 et seq.	<p>The USEPA conducts a review and evaluation of the Draft and Final Environmental Impact Statement (EIS) for compliance with Section 309 of the CAA.</p> <p>The USEPA maintains oversight of the Alaska Department of Environmental Conservation's (ADEC's) implementation of the federal Prevention of Significant Deterioration (PSD) program through its state implementation plan.</p>	Protect and enhance the quality of the nation's air resources by controlling emissions of USEPA-designated air pollutants by stationary and mobile sources.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

FEDERAL		
LEGAL AUTHORITY	AUTHORIZATIONS	REGULATORY INTENT
CWA of 1972, Amended 1977 33 USC 1251 et seq.	<p>The USEPA issues a National Pollutant Discharge Elimination System (NPDES) Permit and Fact Sheet under Section 402, Federal Water Pollution Control Act of 1972, as amended (CWA) for discharges of pollutants, including oil and gas, from a point source into water of the United States.</p> <p>Section 402 – NPDES Water Discharge Permit. The USEPA issues a Stormwater Construction and Operations Permit. This permit may be incorporated into the NPDES permit.</p> <p>Section 311 – The USEPA provides a Federal On-Scene Coordinator responsible for direction and monitoring of spills. The USEPA also issues a spill prevention, control, and countermeasure (SPCC) plan for storage of more than 1,320 gallons in aggregate in aboveground tanks with capacity of 55 gallons or more.</p> <p>Section 404b. The USEPA reviews and comments on permit applications for compliance with Section 404(b)(1) guidelines and other statutes and authorities within their jurisdiction.</p>	<p>The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. It prohibits the "discharge of toxic pollutants in toxic amounts" to navigable waters of the United States.</p> <p>Section 402 establishes guidelines for effluent discharges from point-sources to the waters of the United States and for the NPDES permitting program.</p> <p>Section 311 establishes procedures, methods and equipment, and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines.</p> <p>Section 404b's purpose is to minimize impacts to waters of the United States (including wetlands) by regulating the discharge of dredged and/or fill material.</p>
Comprehensive Environmental Response, Compensation and Liability Act and the Superfund Amendments and Reauthorization Act 42 USC 9601	The USEPA implements facility reporting requirements to state and federal agencies for releases of hazardous substances in excess of specified amounts.	To protect public health and the environment from risks posed by uncontrolled hazardous waste sites.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

FEDERAL		
LEGAL AUTHORITY	AUTHORIZATIONS	REGULATORY INTENT
Emergency Planning and Community Right-to-Know Act 42 USC 9601 40 CFR 255, 370, and 372	The USEPA implements facility reporting requirements to state and federal agencies for releases of hazardous substances in excess of specified amounts.	The prevention of an accidental release of an extremely hazardous substance from any facility and, in the event of a release, to provide a mechanism for emergency response through state and local emergency planning teams and emergency response plans.
Resource Conservation and Recovery Act of 1976 (RCRA) 42 USC 6901	The USEPA develops and implements regulatory programs to manage hazardous waste from generation until ultimate disposal, including issuing an identification number for any entity that generates hazardous wastes. Under the authority of RCRA, the USEPA also regulates underground storage tanks that store petroleum or certain chemical products.	The protection of human health and environment from the potential hazards of waste disposal, conservation of energy and natural resources, waste reduction, and environmentally sound waste management.
Safe Drinking Water Act (SDWA) 42 USC §§ 300f et seq.	The USEPA issues an Underground Injection Control (UIC) Class 1 Industrial Well permit for underground injection of Class 1 (industrial) waste materials. The ADEC issues a Class I well wastewater permit for underground injection of non-domestic wastewater.	The protection of the quality of public water supplies and all sources of drinking water. The UIC program (authorized by Part C of the SDWA) was established to provide safeguards so that injection wells do not endanger current and future underground sources of drinking water.
Toxic Substances Control Act 15 USC 2601	The USEPA develops and implements regulatory requirements for the testing of new and existing chemical substances and regulates the treatment, storage, and disposal of certain toxic substances.	The protection of human health and the environment from hazardous chemicals.
Executive Order 11514 – Protection and Enhancement of Environmental Quality	The USEPA reviews and evaluates the Draft and Final EIS for compliance with Council on Environmental Quality (CEQ) guidelines.	This Executive Order details the responsibilities of federal agencies and the CEQ in directing their policies, plans, and programs to meet national environmental goals.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

FEDERAL		
LEGAL AUTHORITY	AUTHORIZATIONS	REGULATORY INTENT
U.S. Coast Guard (USCG)		
Rivers and Harbors Act of 1899 33 USC 403	The USCG approves construction of a bridge across navigable waters to ensure safe navigability of waterways.	Prevent unauthorized obstruction or alternation (dam, dike, or other structure) of any navigable waters of the United States.
U.S. Department of Transportation (USDOT)		
Hazardous Materials Transportation Act 49 USC 1801-1819	Hazardous materials must be transported according to USDOT regulations.	The Secretary of Transportation must protect the nation adequately against risks to life and property that are inherent in the transportation of hazardous materials.
U.S. Fish and Wildlife Service (USFWS)		
Fish and Wildlife Coordination Act (FWCA) 16 USC 661 et seq.	The USFWS provides consultation on effects to fish and wildlife resources.	Ensures that fish and wildlife resources receive equal consideration to other project features.
The Fish and Wildlife Conservation Act of 1980 16 USC 2901	The USFWS consults with the state agency responsible for fish and wildlife resources to conserve or improve wildlife resources.	Conserve and promote conservation of non-game fish and wildlife species and their habitats.
Bald and Golden Eagle Protection Act 16 USC 668	The USFWS permits relocation of bald and golden eagle nests that interfere with resource development or recovery operations.	Protection of bald eagle populations.
Marine Mammal Protection Act (MMPA) 16 USC 1361-1407	The USFWS issues a Letter of Authorization for incidental takes of marine mammals including polar bear and walrus.	Ensures that marine mammal populations are maintained at, or in some cases restored to, healthy population levels.
Migratory Bird Treaty Act 16 USC 703	The USFWS implements provisions of the Migratory Bird Protection Act.	The Migratory Bird Treaty Act is intended to protect birds that have common migration patterns between the United States and Canada, Mexico, Japan, and Russia.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

FEDERAL		
LEGAL AUTHORITY	AUTHORIZATIONS	REGULATORY INTENT
Endangered Species Act of 1973 (ESA) 16 USC 1531	The USFWS provides consultation on effects to threatened or endangered species.	Protection of wildlife, fish, and plant species in danger of becoming extinct, and conservation of the ecosystems on which endangered and threatened species depend.
National Oceanic and Atmospheric Administration (NOAA) Fisheries		
FWCA 16 USC 661 et seq.	NOAA Fisheries (formerly National Marine Fisheries Service) provides consultation regarding effects on fish and wildlife resources.	Ensures that fish and wildlife resources receive equal consideration to other project features.
Magnuson-Stevens Fishery Management and Conservation Act 16 USC 1801-1883	NOAA Fisheries provides consultation on the effects on Essential Fish Habitat. Essential Fish Habitat includes habitats necessary to a species for spawning, breeding, feeding, or growth to maturity.	Protection of fish habitats and populations.
MMPA 16 USC 1361-1407	NOAA Fisheries provides consultation regarding effects on marine mammals. NOAA Fisheries issues Incidental Harassment Authorization under the MMPA for incidental takes of certain protected marine mammals (ringed seals, bowhead whales, etc.).	Ensures that marine mammal populations are maintained at, or in some cases restored to, healthy population levels.
The ESA of 1973 16 USC 1531	NOAA Fisheries provides consultation on effects to threatened or endangered species.	Protection of certain species of marine mammals and fish in danger of becoming extinct, and conservation of the ecosystems on which endangered and threatened species depend.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

STATE		
LEGAL AUTHORITY	PERMIT	REGULATORY INTENT
Alaska Department of Environmental Conservation (ADEC)		
Oil Pollution Act of 1990 33 USC 2701-2761 AS 46.04.030 18 AAC 75	The ADEC reviews and approves the Oil Discharge Prevention and Contingency Plan (ODPCP) and the Certification of Financial Responsibility for storage or transport of oil.	Protection of the environment from discharges of oil and assurances of financial responsibility in the event of a discharge.
CAA of 1967, Amended 1977 42 USC 7401 et seq. (CAA) 18 AAC 50.300(a) 18 AAC 50.020(a)	The ADEC issues an Air Quality Control permit to construct and to operate. The ADEC issues a Title V Operating permit and a PSD permit for air pollutant emissions under CAA Amendments (Title V).	Protect and enhance the quality of the nation's air resources by controlling emissions of USEPA-designated air pollutants by stationary and mobile sources.
SDWA 42 USC §§ 300f et seq. Authorities, Water Quality Standards, and Wastewater Treatment AS 46.03.020, 050, 070, 100 and 720	The ADEC reviews and approves all public water systems including plan review, monitoring program, and operator certification. The ADEC issues a Class I Well Wastewater permit for underground injection of non-domestic wastewater under AS 46.03.020.050, and 100.	Protection of drinking water. Protection of drinking water.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

STATE		
LEGAL AUTHORITY	PERMIT	REGULATORY INTENT
CWA of 1972, Amended 1977 33 USC 1251 et seq.	<p>Section 401 – The ADEC can review the Storm Water Discharge Pollution Prevention Plans.</p> <p>Section 404 – The ADEC issues a Certificate of Reasonable Assurance for Section 404 Permits.</p> <p>Section 311 – The ADEC can review all SPCC plans.</p>	<p>Section 401 establishes guidelines for effluent discharges from non-point sources to the waters of the United States and the NPDES permitting program.</p> <p>Section 404 – Minimize impacts to waters of the United States (including wetlands) by regulating the discharge of dredged and/or fill material.</p> <p>Section 311 establishes procedures, methods and equipment, and other requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines.</p>
<p>CWA of 1972, Amended 1977 33 USC 1251</p> <p>Drinking Water Standards 18 AAC 72</p>	<p>The ADEC provides approval for domestic wastewater collection, treatment, and disposal plans for domestic wastewaters.</p> <p>The ADEC provides approval for treatment and disposal plans for industrial wastewaters.</p>	Regulation of discharges to protect water quality.
<p>RCRA of 1976 42 USC 6901 18 AAC 60.430. – AS 46.03.005, 010</p>	The ADEC reviews and approves solid waste processing and temporary storage facilities plan for handling and temporary storage of solid waste on state lands.	The protection of human health and environment from the potential hazards of waste disposal, conservation of energy and natural resources, waste reduction, and environmentally sound waste management.
Oil & Hazardous Substance Pollution Control 18AAC 75	The ADEC reviews and approves any road stabilizing chemical or additive prior to its use.	To protect the environment from any potentially hazardous materials being spread on the ground or in sensitive areas.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

STATE		
LEGAL AUTHORITY	PERMIT	REGULATORY INTENT
Alaska Department of Fish and Game (ADF&G)		
The Fish and Wildlife Conservation Act of 1980 16 USC 2901	The ADF&G consults with the USFWS about fish and wildlife resources to conserve or improve wildlife resources.	Conserve and promote conservation of non-game fish and wildlife species and their habitats.
The Fish and Wildlife Conservation Act of 1980 16 USC 661 et seq.	The ADF&G provides comments and recommendations to federal agencies pursuant to the FWCA.	Ensures that fish and wildlife resources receive equal consideration to other project features.
Alaska Department of Natural Resources (ADNR)		
Alaska Coastal Management Program (ACMP) Act of 1977 AS 46.40 6, 6AAC 50, 80, & 85 Coastal Zone Management Act (CZMA) of 1972, as amended in 1976 16 USC 1451 et seq.	The ADNR conducts a Coastal Zone Consistency review and issues determination of consistency of proposed development within the coastal zone.	Provides a balance through its guidelines and regulations for conservation of the coastal zone along with the development and use of natural resources.
Alaska Historic Preservation Act AS 41.35.010 to .240 NHPA of 1966 16 U.S.C 470 et seq. 36 CFR 800 Sections 106 and 110 The Archeological Resources Protection Act of 1979 16 USC 470	Section 106 of the NHPA requires consultation with the Alaska State Historic Preservation Office (SHPO) and, when there are effects on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP), with the President's Advisory Council on Historic Preservation. The SHPO issues a Field Archaeology Permit for archaeological fieldwork on state lands. The SHPO would also be consulted by the USACE. The ADNR issues a Cultural Resources Concurrence for developments that may affect historic or archaeological sites.	Protection of cultural and archaeological resources to ensure consideration of the values of historic properties in carrying out federal activities and to make efforts to identify and mitigate impacts to significant historic properties. The Archeological Resources Protection Act secures the protection of archaeological resources and sites on public and Indian lands and encourages the exchange of information between involved individuals and entities.

TABLE 1.1.4-1**AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)**

STATE		
LEGAL AUTHORITY	PERMIT	REGULATORY INTENT
Public Land Act—Material Sales AS 38.05.110	The ADNR issues a Material Sales Contract for mining and purchase of gravel from state lands.	Managing use of Alaska's land and water resources.
Public Land Act – Permits AS 38.05.850	The ADNR issues Right-of-Way (ROW) and Land Use permits for use of state land, ice road construction on state land, and state waters.	Managing use of Alaska's land and water resources.
Public Land Act – Mining Sites Reclamation Plan Approvals AS 27.19	The ADNR approves mining reclamation plans on state, federal, municipal, and private land and water.	Managing use of Alaska's land and water resources.
Establishment of Drilling Units AS 31.05.100, AS 31.05.110	The ADNR establishes drilling units covering oil pools where leases are held by more than one operator.	Requires unit plans of operation to maximize equitable returns to leaseholders and royalty recipients.
Right of Way (ROW) Leasing Act AS 38.35.020	The ADNR Joint Pipeline office issues pipeline ROW leases for pipeline construction and operation across state lands. The ADNR Commissioner signs the leases and the State Pipeline Coordinator manages the leases. The ADNR Division of Oil and Gas issues Lease Operation approvals for oil and gas development on state leases.	Managing use of Alaska's land and water resources.
Water Use AS 46.15	The ADNR Division of Mining and Water Management issues a Temporary Water Use Authorization for water use necessary for construction and operations. The ADNR issues a Water Rights Permit for appropriation of a significant amount of water on other than a temporary basis.	Managing use of Alaska's land and water resources.
Fishway Act AS 41.14.840	Requires that an individual or governmental agency notify and obtain authorization from the ADNR for activities within or across a stream used by fish if the ADNR determines that such uses or activities could represent an impediment to the efficient passage of fish.	Protection of fish migration and spawning habitat.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

STATE		
LEGAL AUTHORITY	PERMIT	REGULATORY INTENT
Anadromous Fish Act AS 41.14.870	Requires that an individual or governmental agency notify and obtain authorization from ADNR "to construct a hydraulic project or use, divert, obstruct, pollute, or change the natural flow or bed" of a specified anadromous water body or "to use wheeled, tracked, or excavating equipment or log-dragging equipment in the bed" of a specified anadromous water body.	Protection of fish migration and spawning habitat.
Alaska Oil and Gas Conservation Commission (AOGCC)		
Alaska Oil and Gas Conservation Act AS 31.05 20AAC 25.280 40 CFR 147.100 20AAC 25.252 20AAC 25.402-460	Drilling Permits: AOGCC regulates the drilling of wells on "...all land in the state lawfully subject to its police powers, including land of the United States and land subject to the jurisdiction of the United States. Disposal Permits: Regulates disposal of RCRA exempt wastes using annular disposal Injection permits: AOGCC administers the Class II portion of the Underground Injection Control (UIC) program. Authorizes permits for disposal injection into Class II wells. Issues permits for enhanced oil and gas recovery AOGCC requires reservoir or pool development plans, verifies the function of custody transfer metering systems, reviews and approves well work and well abandonment.	Ensure that waste is isolated and contained, and fresh water(if present) is not contaminated. Ensure that injection wells are properly constructed and that injected fluids are contained within the intended subsurface formation. Maximize recovery of petroleum products Regulate the drilling and production of oil and gas resources, prevent contamination of fresh water, protect correlative rights and prevent waste.

TABLE 1.1.4-1 AUTHORITIES APPLYING TO THE PROPOSED ASDP AND ALTERNATIVES (cont'd)

LOCAL		
North Slope Borough (NSB)		
Alaska Coastal Management Program (ACMP) Act of 1977 AS 46.40	The North Slope Borough participates in ACMP consistency reviews for projects located inside the coastal district. The NSB participates in ACMP consistency reviews for projects located outside the coastal district if the district demonstrates that the project may have direct and significant impacts on the coastal zone or resources.	The ACMP provides a balance through its guidelines and regulations for conservation of the coastal zone along with the development and use of natural resources.

1.2 BACKGROUND

1.2.1 State and Arctic Slope Regional Corporation (ASRC) Leases

The State of Alaska and ASRC administer existing leases in the Plan Area. The leased lands are in or just west of the Colville River Delta and lie east of BLM-managed lands in the NPR-A. State lands in the Colville River Delta were first leased in 1964 under Sale 13. The Alaska Department of Natural Resources (ADNR) has continued to hold lease sales in the Colville River Delta: Sale 23 in 1969, Sale 43A in 1984, Sale 54 in 1987, Sale 75 in 1992, and Sale 75A in 1993. The state has prepared “best interest findings” for sales since 1979. Before holding a state oil and gas lease sale, the ADNR Division of Oil and Gas is required to determine whether the sale serves the best interest of the state. In making this determination, the state solicits input from agencies and the public. For areawide sales, the ADNR prepares one best interest finding, which remains in effect for 10 years and offers all available acreage each year for the life of the finding. If substantial new information becomes available, the ADNR issues supplements to the finding. In 1998, the ADNR prepared an areawide best interest finding for the NSB. The Colville River Delta falls within the North Slope Areawide Sale boundaries and will be offered each year through 2008.

The ASRC is the subsurface land owner, and Kuukpik Corporation holds the surface estate to Native-owned lands resulting from ANCSA. ASRC also shares some subsurface estate with the State of Alaska in the Colville River Delta. The percent interest varies by lease. ASRC administers leases that existed at the time they became the subsurface owner of lands that were previously federally owned. ASRC has also sold additional leases for its subsurface estate acquired under ANCSA.

1.2.2 Northeast NPR-A Integrated Activity Plan (IAP)/EIS and BLM Leases

The BLM initiated the Northeast NPR-A IAP/EIS in 1997 to determine the appropriate multiple-use management of the 4.6-million-acre Northeast Planning Area of the NPR-A, consistent with existing statutory direction for its management. All BLM-managed lands in the Plan Area were encompassed in the Northeast Planning Area. The agency’s Record of Decision (ROD) for the IAP/EIS (BLM and Minerals Management Service [MMS] 1998b) authorized leasing and provides management direction for oil and gas development on federal land in the Plan Area.

The BLM conducted lease sales in the Northeast NPR-A in May 1999 and June 2002. The 1999 lease sale resulted in the sale of 133 tracts for \$104.6 million. The BLM sold 60 tracts for \$63.8 million at the 2002 lease sale. Leases for 82 of the 110 tracts in the Plan Area were sold in 1999 for a total of nearly \$71 million, and 10 tracts in the Plan Area were sold in 2002 for \$1.8 million. Of the leased tracts in the Plan Area, CPAI is the sole or leading leaseholder in 75 leases; Anadarko is the sole owner of four of the remaining 17 leases in the Plan Area. Chevron USA, Inc., and ConocoPhillips Company (a company distinct from, but affiliated with, CPAI) jointly hold 13 leases in the Plan Area. Eighteen tracts in the Plan Area have not been leased.

The ROD for the ASDP EIS may authorize modifications or exceptions to the requirements of the Northeast NPR-A IAP/EIS. These modifications or exceptions will be limited to those necessary for the development authorized by the BLM following completion of this EIS and will not constitute a general amendment of the IAP/EIS. A general amendment of the IAP/EIS is being considered by the BLM through the preparation of a supplemental EIS that will be completed subsequent to the ROD for this EIS. For more discussion of this amendment now under consideration, see 4F.4.6.

1.2.3 Future Potential Kuukpik Corporation/ASRC Conveyance in NPR-A

In accordance with ANCSA provisions, Kuukpik Corporation is entitled to select and receive title to approximately 22,000 acres of federal land. Kuukpik Corporation will receive the surface estate to its lands, and, under the terms of ANCSA, ASRC will receive the subsurface estate. All available federal land in Kuukpik Corporation's entitlement area is within the NPR-A and the Plan Area, and all of this federal land subject to Kuukpik selection was leased in 1999. Following Kuukpik Corporation's selection, the BLM will convey to the corporation all valid selections up to the amount of the corporation's entitlement. These conveyances include lands upon which currently proposed or future proposed oil and gas development may occur. Once the lands are conveyed, the BLM may transfer lease administration to ASRC for any leases that are completely encompassed by the conveyance "unless there is a finding by the Secretary that the interest of the United States requires continuation of the administration by the United States" [43 CFR 2650.4-3]. The BLM will retain jurisdiction for leases that are only partially conveyed. ASRC must administer each lease for which it obtains administration in accordance with all applicable laws, regulations, lease terms and conditions, and stipulations in effect when it obtained jurisdiction, just as if it were still a federal lease.

1.2.4 Oil Exploration and Development in the Plan Area

Before the 1923 establishment of the Naval Petroleum Reserve-4 (NPR-4), the predecessor of the NPR-A, private firms staked roughly 117 claims in the reserve. None were in the Plan Area, though several claims were staked not far to the west along the south shore of Teshekpuk Lake. No records exist of any exploration of these claims (BLM and MMS 1998a).

Encouraged by oil seeps in the region, the U.S. Navy began oil and gas exploration in the reserve in 1944 and continued this work until 1952 (King 1994). The Navy began another drilling program in the NPR-A in 1975, and the Department of the Interior (DOI) continued this program through the U.S. Geological Survey (USGS) after administration of the reserve was transferred to its authority in 1976. The DOI continued this drilling program until 1982. In the Plan Area, the Navy drilled one well northwest of the confluence of Fish and Judy Creeks, and the DOI drilled four sites, including one near the Navy well and three close to the Beaufort Sea coast or the south bank of Kogru River (BLM and MMS 1998a).

In the early 1980s, in the wake of completion of the TAPS and the development of Prudhoe Bay and other North Slope oilfields, the BLM sold leases in the NPR-A. Private oil firms conducted extensive seismic exploration of the NPR-A and drilled some exploratory wells on leases they purchased in these sales. None of the wells were drilled in the Plan Area, and all of these leases expired without development.

The first commercial discovery of oil in the Plan Area was the Alpine field in the Colville River Delta. Atlantic Richfield Company (ARCO) and its partners discovered the field in the winter of 1994–1995 (Alaska Report 1996), and subsequent appraisal drilling confirmed its reserve potential of 365 million barrels (Alaska Report 1997). The field is currently estimated to contain 429 million barrels. Alpine is the largest field discovered in Alaska since the discovery of the Point McIntyre field in 1988 and one of the largest fields discovered in the United States in recent decades. The Alpine infrastructure built by ARCO, a predecessor of CPAI, is composed of two drilling pads: CD-1 and CD-2. CD-1 contains the APF as well as production wells. CD-2 is a production pad. A road and pipeline link the two pads. Both CD-1 and CD-2 are accessed by air, with a landing strip that was constructed as a wider portion of the road connecting the two pads. They may also be accessed in the winter by ice road. In November 2000, ARCO began production at Alpine, which is the westernmost producing oilfield on Alaska's North Slope.

In November 2000, Phillips Petroleum (successor to ARCO's interest in leases on the North Slope and predecessor of current owner, CPAI) began the process to permit two satellite oil and gas accumulations near Alpine in the Colville River Unit (CRU): CD-3 (called CD North during exploration) and CD-4 (formerly CD South). On May 21, 2001, Phillips announced several discoveries of oil and gas accumulations on its leases in the Northeast NPR-A Plan Area. Subsequently, the USACE, which had initiated evaluation of CPAI's permit applications for CD-3 and CD-4, and the BLM determined to cooperate to evaluate the proposed development in the NPR-A and in the Colville River Delta through the current ASDP EIS.

1.3 TIERING

This EIS has been prepared in accordance with regulations and guidance of the CEQ (40 CFR 1500-1508). Subsection 1502.20 encourages lead agencies to "tier off their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review." Where possible, the BLM has followed that approach in this EIS by tiering off the Northeast NPR-A IAP/EIS and other BLM EIS documents. Relevant text from these documents is summarized and incorporated by reference where appropriate.

1.4 ISSUES

The BLM and the cooperating agencies have sought to define the issues in the Plan Area through public participation and discussions with tribes (the Native Village of Nuiqsut, the Native Village of Barrow, and the Inupiat Community of the Arctic Slope (ICAS)), the NSB, the local government of Nuiqsut, and other federal agencies. (The BLM's consultation and coordination efforts are further described in Section 5 of this EIS.) In this public scoping process, input was received from residents of the NSB, Anchorage, and Fairbanks; interested individuals from throughout the nation; businesses with an interest in oil and gas development; and individuals and groups with an interest in the environment.

The BLM and cooperating agencies have reviewed concerns and questions raised during the scoping process. Solutions responsive to many of those concerns and questions were integrated into elements of the alternatives developed for consideration in this EIS. The major issues and concerns raised during scoping generally fall into the categories below:

- **Adherence to Stipulations Identified in the Northeast NPR-A IAP/EIS.** Many commenters stated that the restrictions and protections (stipulations) issued with the IAP/EIS were necessary for protecting the environment and urged that the proposed and future developments in the Plan Area adhere to the stipulations without exception.
- **Oil and Gas Development in NPR-A.** The development covered in this EIS is the first proposed by industry in the NPR-A. Proponents of oil and gas development note that the NPR-A was set aside for oil and gas development. They cite the need for new reserves on the North Slope and increased U.S. production. Many proponents support site-specific exceptions to stipulations to allow development of additional oil reserves.
- **Impacts to Local Residents and Traditional Subsistence-Use Areas.** CPAI's proposed action and the broader FFD would represent the westernmost oil and gas development on the North Slope. Development in this area would be close to the community of Nuiqsut and within traditional subsistence-use areas. There is a concern that a "balance between the benefits of development and the costs to the environment and people" be maintained. Nuiqsut residents in

particular expressed concern that traditional lifestyles may be changed by impacts to traditional subsistence-use areas and lifestyle changes brought about by employment opportunities within and outside of the community.

- **Colville River Delta Resources.** The Colville River Delta is the largest river delta on Alaska's North Slope and is largely covered by wetlands. It is important to NSB residents for subsistence hunting and fishing and is recognized for its significance during critical life stages of waterbirds. The area is considered to have high potential for oil and gas resources and requires special consideration during design, construction, operation, and maintenance of oil and gas facilities.
- **FFD Development Analysis within the Plan Area.** Issues regarding expanding oil and gas development in the Plan Area ranged from appreciation that the BLM was looking at the impacts throughout the Plan Area to caution when looking at foreseeable future development outside of the applicant's proposal.
- **Environmental Quality.** Concerns include air and water quality, oil-spill prevention and response, effects of activities and development structures on fish and wildlife and their habitat (including some habitat identified in Special Areas under ANILCA), and the effect of contaminants on fish, wildlife, and people. It is also a concern that impacts on environmental quality may have subsequent long-term impacts to local residents.